HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, C.J.

Writ Petition No.756 OF 2006

PETITIONER M/s B.P. Dwivedi,
Through its Proprietor B.P. Dwivedi,
S/o Shri R. S. Dwivedi,
Aged about 42 years,
R/o B-20 V.I.P. Estate, Vidhan Sabha Road, Raipur, Distt. Raipur (C.G.)

versus

RESPONDENTS

1. State of Chhattisgarh
Through : Secretary,
Water Resources Dept., D.K.S. Bhawan
Raipur (C.G.)
2. Chief Engineer,
Mahanadi Godawari Kachhar Raipur,
Water Resources Dept., D.K.S. Bhawan
Raipur (C.G.)
3. Executive Engineer,
Water Resources Division,
Rajnandgaon, Distt. Rajnandgaon
(Chhattisgarh)

Present : Mr.Yashwant Tiwari, learned counsel for the petitioner.
Mr. Utkarsh Verma, learned Deputy Government Advocate for the respondents/State.

ORAL ORDER
(Passed on 15th February, 2006)

The dispute brought before this Court is arising out of termination of ordinary works contract. As could be seen from the impugned order, the contract was terminated by the respondent acting under Clause 4.3.3.3 of the Agreement for not carrying out the repairs/reconstruction after the damage in the Chute Fall. It is also the case of the respondents that they have sustained damages estimated at Rs.40 Lakhs. By the impugned endorsement addressed to all Executive

Engineers of the Water Resources Division, they have been directed that if any payment is required to be made in favour of the petitioner, the payment should be withheld towards the damages sustained by the Department.

2. I heard Mr. Yashwant Tiwari, learned counsel for the petitioner for quite sometime. Though the counsel would make an endeavour to address the Court on merits of the dispute, I do not think it appropriate for this Court to undertake adjudication of the merits of the matter, arising out of the termination of the ordinary contract, in a summary proceeding under Article 226 of the Constitution of India. If the petitioner has sustained any legal injury or damage on account of the alleged wrongful act of the respondents, it is open for the petitioner to work-out private law review remedies, such as, declaration and damages. In that view of the matter, I decline to entertain this writ petition, however, reserving liberty to the petitioner to work-out his legal remedies, as indicated above, before the jurisdictional Civil Court. All the contentions raised by the parties in this writ petition are left open to be agitated before the Civil Court. No costs.

Sd/-
Chief Justice

GRPR